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ABSTRACT

This monograph describes the Conciliation Project, which was developed to resolve conflicts between parents and schools in Lane County (Oregon) regarding students' special education programs. The project uses trained community-based mediation teams in a prescribed and structured process for resolving disagreements; the process is intended to be less damaging and polarizing and more responsive than due process hearings and state mediation programs. Following development of a case, team participants meet to clarify goals, evaluate alternatives to the conciliation process, and identify information needs. The meeting focuses on three steps: (1) identification of issues; (2) development of an understanding of the interests of all participants; and (3) problem-solving and development of an agreement. Sensitivity to cultural differences is exhibited through development of relationships in the Hispanic/Latino and Native American communities. Application in about 12 cases has shown that case development itself can facilitate constructive communication. The project has completed five full conciliations and has been active in outreach efforts that resulted in the recruitment and training of 23 conciliators. An evaluation plan has been developed. Appendices include job descriptions, a survey concerning project satisfaction, forms, and evaluation information. (DB)

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Conciliation Project

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Lane County
Direction Service

Team-Based Conflict Resolution in Special Education

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Conciliation Program

Team-Based Conflict Resolution in Special Education

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Abstract

This paper describes a promising method for resolving disagreements between families and school districts regarding students' special education programs. Specifically the paper describes the development of local, community-based mediation teams that use a prescribed process for resolving disagreements.

Introduction

The Individuals with Disabilities Act (IDEA) is based on the fundamental premise that parents and schools, when working cooperatively together, are uniquely suited to make the best decisions regarding appropriate educational programs for students. The development of an IEP (Individualized Educational Program) is the central process in IDEA's strategy for assuring appropriate educational programs for children with special needs. Building and nurturing the partnerships necessary for good IEPs is at the heart of making IDEA work. When parents and providers of educational services see themselves as partners, they cooperate in the design of the student's IEP.

Because parents and educators may not share identical perceptions of the child or goals for the student and because their roles in the child's life as parent and professional are dissimilar, disputes are inevitable and normal. Parents of children with disabilities and school districts may disagree about the best educational approach for a child who needs special education. There is often disagreement about what information is relevant, the meaning of specific data or the best means to achieve agreed upon goals. Usually the spirit of partnership and cooperation provides a basis for resolving disagreements.

In cases where parents and schools are unable to agree about what is best for a particular student, IDEA provides each party with the right to a due process hearing to resolve their disagreements. There are a number of disadvantages, both philosophical and practical, associated with the use of due process hearings to resolve disputes under IDEA.

Due process hearings require the commitment of significant amounts of financial and human resources. People are reluctant to take such a step before exhausting all other options. The costs associated with due process hearings make them unattractive options for schools and families. As a result, many situations become more serious instead of benefiting from a timely and early response.

Due process hearings are focused on fact finding and are generally unresponsive to the emotional aspects of disagreements between families and schools. Conflicts between parents and teachers are highly emotional; the problem has usually been growing and doing damage for some time before someone requests a hearing. The dispute has become deeper and broader than the original issue. Efforts to improve the situation have failed, and trust is low. What began as miscommunication or a misunderstanding can become a multi-layered conflict with slights, hurts and tremendous emotional charge on both sides. When the hearing process fails to address these issues, the parties are likely to experience increased frustration.

Due process hearings create adversaries. Once a district is notified of a request for a

hearing, administrators and other staff begin to see the parent as an adversary. Communication becomes strained and negotiations constrained. Possibilities for agreement become limited as the people become "parties" polarized into "sides." The guarded, defensive, and sometimes aggressive interactions among parents, teachers, and school administrators during the preparation and hearing often damage relationships and create enemies whose ability to work collaboratively following the hearing is severely compromised.

IDEA contains a prevailing party attorney fee provision to reduce the barriers to parents accessing an advocate who knows the law and who can act as spokesperson for the parent before and during the due process hearing. Increasingly it is understood that parents and schools make a serious error if they participate in a hearing without an attorney. Attorneys naturally focus discussions on rights, responsibilities, legal process, and precedent. In many cases, however, the issues of respect, communication and the perception of fairness are the keys to efficient resolution of the conflict. In addition, while attorneys may level the playing field, the need to negotiate attorney's fees may complicate the resolution of the presenting problem.

Hearings may be avoided by settlement. Settlement is often reached at the last minute because of a desire to avoid the hearing and its costs, not because of an insight or new perception of the problem and its appropriate resolution. Coercion or fear rather than cooperation and collaboration may provide the basis for settlement. Relationships remain strained and even though a settlement is reached, the affected parties may have difficulty implementing it. The parties may have learned that threats can yield compliance, but if compliance is accompanied by increased defensiveness, the relationship is likely to continue to deteriorate.

The partnerships envisioned by IDEA do not flourish in an atmosphere characterized by compliance and enforcement. Many who have participated in due process hearings, even if they "won," say the cost was too high.

Given the strong, contrasting perceptions of parents and school officials, it is striking that the majority of both sets of parties felt either neutral or negative about the entire experience. Separate from any justice they may produce, hearings seem to have large personal and transactional costs. Many parents and school officials believed the hearings were emotionally traumatic. One parent who not only won, but also believed she had been accorded the appropriate procedures, bitterly complained of the system:

> *It's a waste of money. It shouldn't have to go so far. It was a personal thing. They didn't think I'd do it. It cost me grief and aggravation. It cost them money which they could have used to educate.*

For another parent, the process was a traumatic experience. We suffered emotionally and financially.' . . . A school official, who also gave the highest favorable ratings for all aspects of the system, agreed that the experience was not worthwhile, saying:

My views have changed as a result of going through the hearing. The law isn't bringing about what it's supposed to. It's too costly. It's misleading parents. I have very negative views of the law. [1]

In response to the problems inherent in due process hearings, some states have developed mediation programs. Generally, parents request mediation by contacting their State Department of Education. The parent must agree to participate in an unfamiliar procedure that seems risky and creates feelings of anxiety. For many parents, the decision to take a concern to the state level and involve a distant bureaucracy is made only when frustration, anger, or discouragement has reached an intolerable level.

State level mediation is often used only as a "last ditch effort" before a hearing. Much like a settlement reached "on the courthouse steps," its value lies more in avoiding the financial, emotional and relational costs of the hearing process than in its potential for resolving the underlying conflict.

Of additional concern is the increasing body of anecdotal evidence indicating that parents from "minority" communities request due process and state level mediation disproportionately less than their Euro-American counterparts. It seems reasonable to hypothesize that the disincentives and barriers affecting the use of these options by all parents disproportionately impact "minority" parents.

Due process hearings and mediation through state mediation programs, while useful, prove unsatisfactory in some important ways. They may:

- be difficult to access;
- be expensive;
- harm rather than help the relationship between disputants; and/or
- be unresponsive to diverse populations.

If parents and school districts could access a less damaging, less polarizing and more responsive process, they might be willing to use it sooner, with resultant savings in time, emotions and dollars for all concerned. A community-based team conciliation model may address problems inherent in these dispute resolution methods and provide an important alternative for resolving special education conflicts.

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[1]Goldberg, Steven S. and Kuriloff, Peter J. "Evaluation the Fairness of Special Education Hearings," *Exceptional Children*, May 1991, p. 553.

An Alternative to the Current System

In examining of options currently available to families and schools who disagree, four important considerations drive the development of a new model. An ideal dispute resolution process:

- addresses mutual concerns without doing additional harm to individuals and relationships;
- allows parents and schools to make constructive, ongoing contributions to resolutions that affect them;
- values time and money as precious resources and uses them as sparingly as possible; and
- is responsive to the needs of diverse populations.

This paper describes an alternative to the options parents and educators currently have when they do not agree. This alternative honors and seeks to preserve or restore relationships between parents and educators in order to enhance those partnerships which are so vital to every student's educational program.

The Model

The Direction Service Ombudsperson Project (the Conciliation Project) has been testing an adaptation of a team conciliation model developed by the Community Board Program of San Francisco, Inc. (CBSF). This model was developed in the late 1970's and disseminated to many communities throughout the country, especially on the West Coast during the 1980's. CBSF's work with disputes in San Francisco's diverse neighborhoods successfully demonstrated a model for using trained volunteers to assist people in conflict to work together. The team model has many attributes and application possibilities which recommend it as a useful model for this Project, including the fact that people in many communities have received CBSF training and the basic model is already being used in some community dispute resolution centers.

The model as adapted uses a team of trained volunteers to facilitate a structured process of interest-based negotiation[2] between a parent and an educator in order to reach a mutually agreed upon resolution to a dispute about a student's education. The interests (needs and desires), not the "rights," of the participants become the focus for creating an agreement.

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[2]For more information on interest-based negotiation, the reader is referred to *Getting to Yes* by Rodger Fisher and William Ury; Houghton Mifflin Company, Boston, 1981.

"Mediation" has become a popular term for a variety of dispute resolution processes, many of which are quite dissimilar when carefully examined. The values, principles, methods, and goals of these various dispute resolution processes offer insight into their potential benefits and limitations.[3] Some processes emphasize settlement over empowerment. In some processes the third party serves an evaluative, and sometimes decision-making, function; in others the third party's role is solely facilitative. In some processes settlement terms are based on the parties' "rights, " in others participants craft an agreement based on the more subjective concept of interests or underlying needs.

Many forms of "mediation" do share values and characteristics with the process described here. Nevertheless we have chosen to call this process "conciliation" to distinguish it from other forms of dispute resolution that differ from it in fundamental ways. Use of the word "conciliation" brings attention to the value of improving or mending the relationship as well as reaching an agreement. We found that both parents and educators whom we contacted about "mediation" responded to us on the basis of their experience with or what they had heard about "mediation." In each case, use of the word "mediation" to describe the process detailed here was at least confusing and, in several cases, created resistance even to learning more about it.

The goals and interests reflected in conciliation help to distinguish it from and highlight similarities to other alternatives. These include:

- empowerment
- collaboration
- respect
- acceptance
- future focus
- confidentiality

Conciliation is a voluntary process; no one is required to participate. The primary parties must be willing to meet and discuss their concerns in an effort to negotiate a mutually satisfactory agreement.

Conciliation is collaborative. The process provides an opportunity and structure for the participants to work together to create solutions which meet their respective and mutual interests and needs.

Conciliation is empowering. The parties are the decision makers and can explore issues and design solutions which are responsive to their concerns. The conciliators have no decision making authority and will not impose a solution or judgment on the parties. This process is not an adjudication process and is not designed to determine legal rights. Parties are not limited by rules of evidence or relevance.

Conciliation is not a process for assigning blame or determining fault. Who's right and who's wrong are not appropriate issues for conciliation. Participants in conciliation are asked

[3] *The Promise of Mediation*, Robert Baruch and Joeseph P. Folger; Jossey Bass Publishers, San Francisco, 1994.

to step out of a "win/lose" into a "win/win" paradigm. Coercion, threats, giving in, withholding, doing battle, no holds barred, and other strategies for winning at all costs are not legitimate means for reaching resolution. The "win/win" value of conciliation and the structure of the process encourage the parties to move from positions as adversaries or opponents to a focus on communication, cooperative problem solving and the development of a mutually acceptable resolution.

Conciliation is confidential to the extent that the parties agree to maintain confidentiality. Often the ability to limit the "audience" and public scrutiny can help disputants safely explore sensitive issues such as racism, fair treatment, trust, power, and control.

Conciliation focuses on communication and creative problem solving. The conciliator's task is to help the parties define the problem, explore and learn about each other's interests, and work together to develop a solution, plan of action, or agreement for future behavior or interactions. Conciliation goes beyond "nothing but the facts" to an exploration of the concerns which underlie the conflict and the issues that must be addressed to create a lasting resolution. Participants in conciliation are encouraged to use effective communication skills (active listening, paraphrasing, non-judgmental questioning, collaborative negotiation techniques, etc.) and may leave the conciliation with an enhanced ability to solve problems independent of the conciliation process.

Conciliation is future oriented. Sharing information about past events and perceptions may help each participant understand the point of view and reasoning of the other and create some common understanding of the past. It is not necessary to agree about the past; in fact, people rarely will. The past is used only as a guide and background for developing agreements about future interactions.

Experience in other fields with dispute resolution processes that share these characteristics has shown that parties themselves can create durable, relevant agreements that are more responsive to their needs than a hearing officer or judge. Parties to a conciliation not only solve problems, but also repair damage to relationships and re-establish the trust that is required to produce a satisfactory and long-lasting agreement.

When applied to the area of special education disputes, the general benefits of conciliation become even more apparent. Conciliation offers parents and schools the opportunity to learn from each other and work through their differences so they can agree on a plan and work together toward their mutual goal of providing the student with an appropriate education.

Conciliation offers the opportunity for parents and educators to cooperatively attack a problem or misunderstanding instead of attacking each other. Being able to work together to solve a problem helps mend broken relationships and establish a foundation on which to build in the future. The costs of an adversarial due process hearing can be enormous in dollars,

emotional energy, and time. Conciliation offers the opportunity to reduce all of these costs and move toward "getting on" with the job at hand, that of educating and parenting a child with special needs.

Conciliation, however, may not be appropriate for all special education disputes. Circumstances which would make a situation inappropriate for conciliation include:

- one or both parties require(s) a legal interpretation of the IDEA or other applicable law;
- the goal of the parent is a personnel change;
- any of the concerned parties are unwilling to participate in a collaborative, problem-solving process; or
- there is an imbalance in capacity for which the conciliators and the parties cannot compensate sufficiently to protect the integrity of the conciliation process (e.g., diminished mental capacity, mental illness).

The People

Ideal volunteer conciliators have some common characteristics and attributes. They are people interested in contributing to peaceful dispute resolution in their community. They bring understanding of local values and customs. Their life experience aids them in understanding and empathizing with participants in the conciliation process. While they may have special education experience either as a parent or as a teacher/administrator, this expertise is not required. In fact, expertise or experience with special education and associated biases may make it more difficult for team members to remain impartial and refrain from offering solutions to the disputants.

The ideal cadre of trained volunteers is as diverse as possible, including:

- men and women,
- ethnic diversity,
- cultural diversity,
- educational diversity,
- socio-economic class diversity,
- generational diversity, and
- other characteristics which reflect the community.

A highly diverse group of volunteers is a rich resource for the composition of sensitive teams. Parties often appreciate having their age, gender, socio-economic background, and other aspects of personal culture (e.g., single parent, alternative lifestyle, religious affiliation) reflected in the team members. For example, it may be important that some of the conciliators are parents or that the team reflects some of the ethnic or cultural identities of the parties.

If the conciliation involves a bi-cultural, bilingual parent, the team can include members who share those characteristics. When team composition contributes to a sense of trust in the process, the first step has been taken in creating an environment where collaborative work can be done. Diverse teams also benefit enormously from the differing perspectives on communication and problem solving found among team members. Conciliation assumes that discussions about and resolutions to disagreements can best be facilitated by individuals possessing a wide array of communication skills, talents and strategies that often are not found in a single individual.

An additional benefit of a multi-person team model is the ability to offset individual strengths and weaknesses and for newly trained volunteers to work with more experienced team members. Both the training of conciliators and the conciliations themselves create opportunities for individuals from diverse segments of the community to come together in a common effort. In those joint efforts, each person teaches and learns from the others. The result is increased understanding of both self and other, a result also cultivated between the parties through the conciliation process. As volunteers do the work, they continue to develop their skills, and the community's capacity for conflict resolution is increased by the presence of individuals with well-developed conciliation skills. In this way the training, the functioning team and, in fact, the entire dispute resolution program can represent different levels at which an alternative approach to conflict resolution is being practiced in a community.

Team Conciliation

Conciliation, like mediation, is practiced in many forms including use of a single conciliator, co-conciliators, or a conciliation team (the proposed model). Figure 1 contrasts some potential benefits and limitations of single conciliator models with team/co-conciliator models.

Figure 1

Team or Co-conciliator*	Single Conciliator
Potential Benefits • Diversity • Synergy • Team models collaboration • Parties' culture (in broadest sense) can be reflected in team members • Capacity to balance competencies/limitations Process not dependent on any one individual team members • Presence and collective energy of team members encourages parties to work hard to resolve their problem • No single team member required to orchestrate the entire process • Team provides broad range of opportunities for individual skill building thus enhancing community capacity for conflict resolution	**Potential Benefits** • Scheduling only one person in addition to the parties simplifies process • Conciliator is free to follow alternate strategy at any time • Minimum of focus on what the conciliator is doing
Potential Limitations • Team members must expend effort to work together • More than one idea of what to do can create tension • Logistically more complicated	**Potential Limitations** • Capacities/characteristics limited to those of one individual • Limited capacity to accommodate misfit between conciliator and a disputant • Single conciliator may have more difficulty overcoming parties' tendency to see conciliator as judge or expert

* Co-conciliation differs from solo conciliation more than co-conciliation differs from using a team of conciliators. Generally the difference between team and co-conciliation is one of degree; use of 3, 4, or 5 conciliators, rather than 2, multiplies both the benefits and the costs in proportion to the number of people on the team.

In summary, conciliation requires the voluntary and cooperative effort of everyone involved to be successful. The process creates the opportunity for people to be heard, to hear "the other side," to recognize areas of common concern and belief, and to work collaboratively to create agreements about areas where there is disagreement. The process supports disputants to creatively and jointly develop a plan for creating a future situation that is acceptable to everyone involved. Conciliation can be a first step toward healing relationships that have been strained or even hostile. When parents and schools can bring together their respective knowledge about a child for the benefit of that child, everyone reaps the rewards.

The conciliation process is a structured, three-part process of conflict resolution: Case Development, Team Process, and Follow-up. Each of these stages is necessary to insure a voluntary, mutually understood, effective and durable agreement.

Case Development

When a parent or school person contacts Lane County Direction Service Conciliation Project with questions about the process or to request assistance, the conflict resolution process begins. Case development is the least appreciated and perhaps the most important part of the conflict resolution continuum. Disputes are often resolved during case development, thus eliminating the need for a face-to-face conciliation. This may occur because of the active listening and clarifying done by the case developer. Sometimes exploration of options produces a possibility previously unidentified that the parent or educator wishes to pursue.

The case developer (see Appendix A for job description of the case developer) begins to define a relationship between the Project and the initiating party and models the values—for example, respect, empowerment and collaboration—of the conciliation process. The case developer uses the same communication and problem solving skills that the conciliators use in a face-to-face conciliation process: active listening, paraphrasing and reflecting back, focusing on the future, and not making decisions for participants. Thorough and careful case development ensures that the participants come to the process voluntarily, with a minimum of apprehension and with the seeds of a sense of ownership in the outcome.

Successful case development will assist potential conciliation participants to:

- clarify goals;
- evaluate alternatives to the conciliation process;
- determine what information they need to effectively participate in the conciliation process; and,
- determine whether they have sufficient capacity to effectively participate in the conciliation process.

Part of case development is helping parties become aware of their goals and encouraging them to broaden their thinking about the type of agreement that might meet their needs. Interest-based negotiation works best when there are a number of interests which can be accommodated in different ways, allowing more flexibility in designing a resolution that is satisfactory to all parties. People also need information about how the process works, what they must do to use the process, and how it may benefit them. Helping people think about how they can best use conciliation and assisting people identify information they may need in order to participate effectively are components of case development.

Case developers assist the parties to evaluate their alternatives to conciliation. The parties' real and perceived options affect both their motivation to negotiate and the type of agreement they will find acceptable. Part of helping people determine appropriateness involves educating the parties about the type of process the Project can offer and the kinds of results that they can expect to get by using this process. For example, if a party wants a legal precedent, s/he must use the legal system. If the party wants an apology, the legal system usually will not produce that result whereas conciliation might (although that will depend entirely on the parties).

In the contact with the initiating party, the case developer explains the premises of the conciliation process, including:

- it is voluntary and collaborative;
- the parties involved maintain control over all decisions and agreements;
- the focus is on the future and creating a solution; and,
- the goal is to reach a mutually satisfactory resolution, not to establish blame or fault.

The case developer helps the parties decide who will participate in the conciliation. The case developer asks the initiating party who the other involved parties are, who should be included to make potential solutions work, and who could block or cause the failure of a solution. The case developer then contacts the other involved parties, shares information about the conciliation process and this particular request for conciliation, gathers information from their perspectives on who is needed to create a solution and who could make a solution fail. Usually it is preferable to have only one educator and one parent—the two people who are most involved in the conflict. The process can then focus on both the conflict and the relationship where the conflict is most strongly expressed.

The case developer gets enough information to bring parties together and to ensure that barriers to useful agreements are addressed and considered. In-depth understanding of problems is not necessary nor is contact with everyone who might be interested or have an opinion. As part of this process, the case developer listens for problems and concerns with past efforts to address the situation that will be included in the team briefing to ensure that

the end agreement anticipates likely obstacles to implementation. If both parties agree to the conciliation, each signs an Agreement to Participate in Conciliation and Confidentiality form (Appendix C - Forms).

Once both parties have agreed to participate in a conciliation, the case developer may schedule the conciliation and convene a team of conciliators or may ask the team convener to do so. (See Appendix A for Job Description of team convener). The team convener is responsible for:

- determining a date and time convenient for all parties;
- finding a suitable, neutral location and arranging for room setup;
- making other arrangements necessary for the conciliation to occur;
- convening an appropriate team reflecting balance in whatever dimensions are important to the participants (gender, age, culture, training, etc.);
- screening team members to determine any actual conflict of interest or the appearance of a conflict of interest; and,
- briefing the team members about the dynamics and concerns of the parties..

Team Process

Prior to the arrival of the parties, the team meets with the case developer to prepare for the conciliation. During this briefing, the case developer gives the team information about the parties and the conflict, as well as any information about dynamics, history, and past efforts to address the concerns motivating the conciliation. The team members discuss how they will work together and any concerns they have about this particular conciliation.

During the entire process, team members model communication and conflict resolution skills. Team members often discuss how they should proceed, who should lead during each step of the process, and different approaches to helping the parties move through the process. This is done in the presence of the parties, an approach which de-mystifies what the team is doing, reveals the commitment of the team members, demonstrates problem solving and collaboration in action and sets the tone for the parties to begin working together in a similar way.

The basic problem-solving process is preceded by an Opening and followed by a Closing. The intervening steps of the process are:

1) Identifying Issues
2) Understanding Interests
3) Problem-solving and Reaching Agreement

A more detailed description of each part of the process follows, along with an explanation of the goals of each step and a description of the team members and participants interactions during each step.

The Opening

During this Step the conciliators do most of the speaking and set the tone for the conciliation. Team members introduce themselves and indicate that they are volunteering their time out of a commitment to assist the disputants to reach a mutually agreeable resolution. Awareness that the team members are uncompensated often intrigues parties and encourages them to trust the unfolding process. The conciliators explain the way the team will work together and describe the process the parties will be asked to use:

- the steps
- the direction of communication
- the goals during each step

They emphasize the characteristics of the process:

- voluntary
- confidential
- collaborative
- decisions made by the parties, not the team
- focus on the future and a workable solution, rather than on the past to fix blame.

The team asks for each party's agreement to follow ground rules including respectful treatment of each person by every other person and allowing each person to speak uninterrupted.

Step 1 - Identifying Issues

In this Step, the parties are asked to speak only to the conciliators and to offer their perspective on what has brought them to conciliation. Each speaks in turn to the team, and team members ask clarifying questions as well as acknowledge and validate each person's experience. The parties are asked to refrain from talking to each other and to focus on helping the team understand the conflict from each of their perspectives. The goals of Step 1 are:

- for the parties to be able to articulate their concerns;
- for everyone to understand what issues need to be resolved in order for the parties to reach an agreement;
- for the team to begin to establish rapport with each of the parties; and,
- for the parties to begin to understand the interests (often intangible, basic needs for respect, safety, face saving, preserving reputation) which must also be satisfied for the parties to resolve the issues (often substantive claims about placement, treatment, or services).

Step 2 - Understanding Interests

When the team members feel they understand the conflict from each party's point of view, the team assists the parties to talk directly to each other. Parties are asked to continue to treat each other respectfully as they share their feelings and the emotional content associated with the disagreement. A communication technique such as paraphrasing may be used.

One of the interests or issues identified in Step 1 is selected, and one of the parties is asked to speak to the other about the issue or interest. The team members ask each party to refrain from responding to what the other is saying and to listen carefully.

The goal of Step 2 is for each person to be heard and understood by the other. The team members tell the parties that the goal is to understand how the other person sees the situation; not to agree with, only to understand, the other person's perspective. The team helps each person accurately to reflect what the other has said and to verify that the summary has included all the essential substance and emotion of the communication. If not, they repeat the procedure. Once the listener has accurately reflected what the other has communicated, the listener may respond to what the speaker said, thus becoming the speaker; the new listener is asked to listen, repeat, verify accuracy and only then respond. This procedure slows down the communication and changes what has usually been two monologues with no listeners into a true dialogue. It is essential before concluding Step 2 that each party believe that his or her perspective is completely understood by the other party.

During both Steps 1 and 2 there is often new information which one or both parties had not known before. The team will highlight any such information; it can often be a stepping stone to an insight. The illumination of new information may be used to "save face" and may be followed by an acknowledgment by one or both parties that they might have behaved, thought or felt differently if they had known that information. An indication that each party is prepared to accept some share of responsibility for the current situation is usually a sign that each is prepared to contribute to a resolution and the team will ask the parties to move into Step 3.

Step 3 - Problem Solving and Reaching Agreement

This Step ideally finds the parties approaching the situation as a joint problem that needs to be solved jointly. The team guides them into an option generation process, often "brainstorming" where evaluation is off-limits and creativity is encouraged. The goal is to expand the options as much as possible before beginning an elimination process, to ensure that a potential solution is not overlooked. Then, referring to the interests that were uncovered in Steps 1 and 2, each option can be evaluated to determine whether it will address the essential concerns of each party. Options that fall short of this test are unlikely to produce a mutually acceptable and durable resolution.

At this point in the process the parties may return to anger, frustration and blaming after seeming to reach a calmer, more hopeful state in Step 1 and 2. During the process of talking about options, participants can slip back into "zero sum" thinking (what you gain must come from my share of the pie and vice versa) which often leads naturally to a sense of being threatened and needing to defend or attack. The team will remind the participants of the progress made so far in gaining understanding and working together and encourage continued effort toward a resolution that will meet each person's most important concerns.

During Step 3 a participant may allude to or include a new issue in the list of problems which need to be resolved. The team will address this new issue by cycling back to Step 1 to gain information and Step 2 to facilitate understanding of this new issue before looking for options which address the interests underlying it.

When potential solutions emerge from the options, the team helps parties carefully consider the options from each one's perspective. How will this option meet the other party's interests? If it will not, what other option must be included in order for the other party to find the solution acceptable? At this point in the process, team members also review any potential obstacles identified during case development to be sure that they are considered in the agreement. The team members:

- assist the parties to be specific about the exact details of their commitments;
- act as agents of reality, testing each option against what is realistic for each party to do;
- act as devil's advocates, giving voice to concerns which may threaten the durability of the agreement; and,
- help the parties decide what to do if one or the other does not comply with the agreement or if unanticipated problems occur.

When a final agreement has been reached, one of the team members writes an agreement in precise terms. The agreement includes the parties' names and specifies who will do what, by when and how. A time is often set for a follow-up. Each party signs the agreement and usually at least one of the team members signs as a witness. Each party is given a copy of the complete signed agreement.

The team then closes the conciliation session with appreciation to the parties for their willingness to try conciliation, for their hard work during conciliation, and, if they reached a resolution, for their commitment to following the agreement they have reached together.

Follow-up

The third part of this conciliation model is the follow-up. The case developer checks with each party to see if the agreement is being followed or if there is a need for a "tune-up" to address unanticipated problems or second thoughts by one or both parties. This is also an

opportunity to ask each participant to assess his or her satisfaction with the process and the outcome of the conciliation and whether the solution, if honored, has resolved the dispute.

Accommodating Cultural Differences

Cultural, ethnic, and other individual differences significantly influence the choice, the use, the appropriateness, and the effectiveness of any dispute resolution process. Asking participants about their concerns, how they deal with conflict, how they react to direct confrontation, how they feel about the public nature of conciliation, what their attitudes are towards others helping them to reach a resolution (as well as many other questions) can help determine appropriate accommodations for differences..

The Golden Rule, "Do unto others as you would have them do unto you," can create misunderstandings and conflict where people do not share common preferences, perceptions and values. "Do unto others as they would have you do unto them" has been called The Platinum Rule and provides important guidance in cross-cultural communication and dispute resolution. Using your own preferences and values as a guide for your behavior may lead to misunderstanding. How others want to be treated is a more trustworthy guide to what they need. Being aware of and sensitive to the fact that we all don't view the world the same, don't react to conflict the same, and don't all have the same attitude towards authority or outsiders can make the difference between being successful and being disrespectful.

Using the expertise of cultural liaisons—people outside the particular conflict but a member of the same community as a disputant—can also be helpful. People willing to provide information about how a community resolves conflicts and what approaches are likely to be best received, can be extremely helpful. It is important that this information be accepted and used in a respectful and honest way. Developing relationships outside of one's own culture usually takes more time, more experience, more trust building than relationships within one's own culture.

In all situations, but especially in cross-cultural or cross-ethnic situations, our interpretation of issues and behavior may be inaccurate. When a conciliation involves parties from differing cultures (socio-economic, racial, ethnic, gender, etc.), conciliators need to ask questions and rely on the parties to provide contextual as well as relational information. Asking questions about the parties' perspectives of conflict, school/parent relationships, parenting styles, discipline styles and techniques, etc. can help everyone better understand the parties' relationship and other issues that are important to mending the relationship and creating a workable agreement. Conciliation lends itself well to disagreements with multi-cultural factors since its goals include being heard and understood, and supporting the participants to create solutions responsive to their particular interests.

The Conciliation Project has developed relationships in the Hispanic/Latino and Native American communities. Our experience with the differences between these two cultures and mainstream culture have yielded some useful insights. The following are some examples of cultural differences commonly held within these communities which are different from those held by "mainstream" culture. These are offered recognizing that all individuals within a group do not adhere to the same values and that these examples cannot be used as hard and fast rules, but are simply illustrations of the differences which may be present.

- In both the Hispanic/Latino and Native American communities, who you are as a person, what you have contributed to the community, and what your personal values are far outweigh academic or other credentials.
- Time is often viewed differently. Moving quickly, "getting the job done," is not as highly valued as the relationships between people. We have seen examples of this in both the Hispanic/Latino and Native American communities.
- Families are seen in a broader sense than the "mainstream" nuclear family. Family extends to aunts, uncles, grandparents, and long-term, close friends. This different understanding of family impacts the way children are reared, disciplined, and instructed.

Other issues and differences affect the treatment of African-Americans, Asian-Americans, and other groups that have been the targets of discrimination. As we have developed team conciliation, we have emphasized cultural relevance and sensitivity. The principal mechanism of assurance has been the active recruitment and involvement of people from different communities in training, case development, and conciliation team composition.

Local Implementation of Team Conciliation

Conciliations

In order to test the proposed model, a goal was set to complete six conciliations in the spring of 1995. The developmental phase of the Project had involved the Special Education Directors for the three largest school districts in the county. Each had expressed enthusiasm about the potential of the process and assured us that there were conflicts which they were prepared to refer to the Project. With the commitment of these Special Education Directors, we anticipated no difficulty in identifying appropriate disagreements for referral.

Volunteers from the community who were previously trained to use the CBSF model in neighborhood disputes agreed to compose the teams for the initial conciliations. These volunteers were given a brief orientation on issues specific to special education disputes, including:

- terms and acronyms used in special education,
- stresses associated with parenting and teaching children with special needs,
- information regarding disabling conditions, and
- general information regarding special education law.

By using experienced team members for the initial conciliations, we hoped to be able to determine quickly the viability of the concept and the model. In addition, the Project intended to monitor these initial conciliations to gain a clearer understanding of the training needs of the volunteers who would be recruited for the ongoing teams.

Five parents contacted the Project and were interviewed by case developers during the 1994-95 school year, and thirteen during the 1995-96 school year. In five of these cases, the parent chose to pursue actions other than conciliation after discussing the situation with the case developer. Twelve parents asked that the case developer contact an educator to discuss the situation.

All educators contacted by the case developer were aware of concerns about the students although most felt conciliation was not appropriate in this case or at least "not yet." Only one educator refused to consider conciliation as an option. The concern of the parent in that case was how the student and parents were treated by the school. The parents had previously requested a due process hearing, and the school took the position that they now were providing what was required by the hearing officer's decision and that was legally sufficient. Unfortunately, according to both "sides," the student was the loser: educational services had been interrupted as the relationship between the family and the school continued to deteriorate following the hearing.

Case development seems to have facilitated constructive communication in all of the other instances where the parent asked the Project to contact an educator. In several cases, the problem was solved following case development. In one case it is clear that the solution was a direct result of case development. In the other cases, it is likely that case development was at least a factor in the resolution.

The role of case development in the resolution of conflict is well known in other contexts. Neighborhood mediators commonly experience settlement of the majority of their cases during the case development stage. Another statistic from neighborhood mediation is that only 20-30% of the inquires for services result in face-to-face meetings between the parties. It is not surprising then that only three of the parents who contacted the Project have participated in a team conciliation up to this point.

Another case had a conciliation scheduled and re-scheduled three times due to illness, flood and snow. The parent and the special education director were able to work together during the delay and reach an agreement that addressed the parent's concern.

Written and verbal feedback from the parents and educators involved in the three conciliations which occurred indicate a high level of satisfaction with the process and a sense of successful resolution in two of the three cases. In the third, although the parties gave high ratings to the process, the outcome was not completely satisfactory. The parties were unable to design a collaborative future relationship since the student would not be returning to the same school the next year, and the parent and educator anticipated no further contact.

The participants in the other two conciliations reached agreements about how to proceed with the students' educational programs. Even more important, they left the conciliation as partners with a relationship that might support future problem solving.

In one of the cases the parent and the educator had attended the same church but no longer did. The parent suspected that the way the student was being treated at school was a reflection of a moral judgment by the educator. With the support of the team, the parent and educator were able to discuss this fear. The parent accepted the reassurance of the educator that, although she was concerned about the moral development of the student, her interventions with the student were based on behaviors which the parent also agreed were problems.

In the other conciliation, the parent worked with severely emotionally disturbed students (SED) and did not want his child identified as SED. The parent feared the label would negatively impact the student's self-esteem and perhaps have adverse consequences for medical insurance and treatment. The educator and the parent were able to agree that the student could be identified as Other Health Impaired (OHI) and receive the services the parent and school agreed were appropriate, in this case a school district subsidized alternative educational placement. The work of the case developer laid a foundation. The conciliation

team facilitated the communication and problem solving of the participants so that the parent and educator began to jointly contribute what each could uniquely bring to their partnership. All agreed this was a win-win outcome.

The opportunities to bring forth these win-win outcomes have been limited so far. Although this has been disappointing, it has not been surprising. In addition to the factors mentioned above that diminished the desire to proceed from contact to case development to conciliation, there is a natural human reluctance to acknowledge and approach conflict. Withdrawal and denial are common responses.

In our outreach efforts we distributed over 1,500 brochures and made personal or written contact with over 200 school psychologists and social workers, principals, and PTA leaders. Personal follow-up contacts with special education directors indicate that they are aware of team conciliation and support its use. The one local special education director who participated in a conciliation has given the Project high marks in her comments to other educators. Yet without exception, each referral we have received to this point was made by staff from other programs at Direction Service.

Through follow-up conversations with educators, we have identified a number of factors that have contributed to the disappointingly low number of requests for conciliation services.

Confidentiality restrictions prevented school districts from contacting the Project directly about parents who were unhappy with their children's educational programs. Without getting the parents' permission to contact us about their concerns, educators were limited to providing our brochures and suggesting that the parents contact us.

Educators reported that they were reluctant to suggest the Project in situations that were not already severely polarized, fearing that the suggestion would be perceived by the parents to mean that the school found them so difficult to work with that additional, outside assistance was needed. Administrators also seemed reluctant to refer in situations where they believed they had not exhausted all available resources in attempting to resolve the disagreement.

In response to contacts from Project staff, administrators made these statements: "It's not that bad yet." "We still need to try . . ." "I don't want to communicate that we believe we can't work this out." "What if we try the conciliation and don't reach an agreement. That might push the parent into filing a hearing request."

In spite of these difficulties, the number of contacts we are receiving is on the rise. Of the eighteen contacts we have received, eight were in 1995 (April through December), 10 were in the first five months of 1996 and seven files were opened in May 1996. One conciliation is scheduled and two are in the process of being scheduled at this time. This increase is due in part, no doubt, to both the cumulative results of twelve months of outreach efforts and the impending end of another school year bringing into focus frustrations and disappointments with educational achievements and progress.

Recruitment of Conciliators

Twenty-three volunteers were recruited for a September 1995 training. Special emphasis and attention was devoted to recruiting non-EuroAmerican trainees to ensure that teams could reflect the cultural diversity of a broad range of disputants. The Project was successful in recruiting volunteers representative of the entire community. The mix of volunteers recruited was as follows (totals exceed the number of volunteers because volunteers fell into more than one category):

- 16 women and 7 men
- ages 21 to late 60s
- 11 Caucasians, 2 African Americans, 3 Latinos/Hispanics, 2 Asian Americans, and 5 Native Americans
- 3 people who identified themselves as having disabilities
- 2 educators and 1 retired educator
- 3 parents of children with disabilities
- 7 people who self-identified as advocates

Personal contacts were made by Project staff with individuals who were able to recommend potential trainees. In addition, local community dispute resolution centers, colleges, cultural or ethnic organizations (NAACP, AARP, Latino Coalition, African-American Community Coalition, Native American programs, Asian outreach centers), churches, PTAs and other organizations within the community were contacted. Notices in newsletters, press releases, and information shared with schools and parent groups may also have produced trainees. Incentives for participating in the training and volunteering time to the Project included:

- free conciliation training;
- the opportunity to help families and children with special needs; and
- helping to save tax dollars that might be spent on due process by resolving situations at the local level.

The Project provided or reimbursed volunteers for child care, transportation, meals, and other expenses incurred in order to participate in the training. The Project has continued to provide the conciliators with support for expenses associated with their volunteer commitment, based on the different needs of individual volunteers.

Volunteer Conciliator Training[4]

Each volunteer participated in a 30-hour training in dispute resolution techniques, the CBSF team model and its specific application to special education disputes. The training was scheduled for four days, each 7´ hours long, in September 1995. Training days were two consecutive Wednesdays and Thursdays, anticipating that volunteers would need to be available when most school-based conciliations would take place, during the educators' workday, rather than evenings or weekends. The week between training sessions allowed trainees an opportunity to spend time reading and processing the written materials and practicing skills.

The basic conciliation skills training included presentations, demonstrations, both large and small group discussions and experiential learning through roleplays designed as opportunities to practice skills. These various teaching methods are structured to accommodate a variety of learning styles and to facilitate the integration of concepts and skills.

It is necessary to have a long enough block of time on each training day so that material can be presented, the process can be demonstrated, and trainees can participate in roleplay exercises to facilitate experiential learning. Roleplays take between two and three hours which includes time for practice and time before and after the practice to prepare for and review the experience. In order for trainees to have an opportunity to learn from the perspective of the parties as well as practice the role of conciliator, the training includes four roleplays. Trainees are encouraged and assisted by roleplay coaches assigned to each roleplay group. Coaches participate in the pre-conciliation briefing, guide the conciliation process through the use of interventions, and structure the debriefing so that specific feedback contributes to the learning of all participants.

Following the basic training, volunteers can improve their skills by working with more skilled conciliators on the same team and by participating in ongoing training opportunities. Ongoing training has included role plays along with development and improvement of specific skills identified by trainers and trainees. Even with quality training it may be necessary to assist certain trainees to self-select out of the program, recognizing the "lack of fit" between their styles or values and the principles and values which are essential to the conciliation process.

[4]The Team Conciliator's Manual and the Conciliator Trainer's Manuel are available from Direction Service and provide additional detail on training content and evaluation.

Evaluation

Evaluation of Training

A thorough, independent evaluation of the training, "Direction Service Conciliation Training Evaluation Summary" (Meyer 1995), has been completed and is available from Direction Service. The evaluation confirms high levels of participant satisfaction with content and quality. Trainees felt competent and confident about participating in a conciliation at the conclusion of the training.

Plan for Evaluation of Conciliation Process

The small number of conciliations done so far can support only the most tentative conclusions. Evaluation information has been collected throughout the life of the Project. Upon completion of six conciliations this information will be analyzed and a final evaluation summary written that will preliminarily describe costs and benefits associated with the model. The evaluations will provide information to be used both summatively to improve training and conciliation practices and formatively to appraise the impact of the conciliation intervention. Evaluations will also assess durability of the agreements reached through conciliation.

Pre-intervention information: Pre-intervention data includes participants' assessments of pre-intervention family/school relationships; other interventions that have been tried and explanations for why they didn't work; estimates of time spent on the issues pre-intervention, and other "costs" of having the issue remain unresolved, i.e., students not getting appropriate services, stress-related illness, and polarization or extension of the issue. Because we are obtaining pre-intervention information through the case development process, we will also be able to track cases that resolve during case development and identify common factors that contribute to early resolution.

Post-intervention interviews: We will contact parents, professionals, and team members and ask them to discuss:

- Satisfaction with conciliation process;
- Satisfaction with conciliation outcomes;
- Impact on quality of life of family, student, professionals;
- Impact on other contextual factors identified in pre-intervention interviews;
- Impact on parent/professional relationships;
- Indications that participants will generalize this experience to resolution of other issues; and,
- Assessments of costs (time and money, stress, etc.) of this alternative conciliation process vs. continuing what they were doing or other approaches.

Each case study will include:

- A description of the problem and general pre-intervention context.
- A description of the team and the process.
- Outcomes, including the factors listed above and others raised by participants.

We will use the Direction Service Conciliation Satisfaction Survey (see Appendix B) to assess participants' satisfaction with the conciliation process and its outcomes. This questionnaire uses a Likert rating scale to evaluate participants' satisfaction in the areas of procedure (process of conducting the conciliation), substance (agreements reached or outcomes of the conciliation), and psychological outcomes (personal impact of the conciliation). The questionnaire also includes open-ended questions pertaining to most and least helpful features of the conciliation, time devoted to the process, satisfaction with procedure and outcome, and details of the process. A form is also included for participants to suggest revisions in the conciliation process.

We will also track resources used, time invested by each of the parties (contrasted with time invested pre-conciliation) and differential effects with different team compositions. In addition to participants' (family, professional, conciliator) assessments of their satisfaction with the outcome of the issues that brought them to conciliation and with the conciliation process, we are also interested in the context surrounding the issues and the process. We will therefore access participants' views of:

- Motivating factors: what factors bring a case to conciliation?
- How conciliation affected the parties' relationships with each other.
- Changes in their well-being or quality of life/work.
- Changes in their ability to resolve conflicts with each other (and others) in the future.
- Whether they generalize their experience with conciliation to other issues.
- How durable the agreements are.

We will use a case study approach to access and report this information. To collect the data for case studies we will compile pre-intervention information through the case development process, conduct on-going informal interviews and focus groups with team members, and conduct on-going informal interviews and focus groups with participants following conciliation intervention.

Evaluation of Completed Conciliations

By the end of the Project funding period, only five cases had moved through the case development process to a conciliation session. Those five case studies describing context, process and outcomes are part of the evaluation document included here in Appendix D. This document also summarizes patterns which emerged across the five cases.

Conclusion

Team conciliation shows promise as a useful mechanism for restoring positive working relationships between families and schools. The model's focus on broad and diverse community participation may encourage problem resolution between schools and families who typically do not participate in the available array of conflict resolution options.

While early indications about the usefulness of the model are hopeful, data is very preliminary, and additional research and development are needed. Specific questions that invite further exploration include:

- How best can timely referrals be encouraged?
- What are the best strategies for recruiting and retaining conciliators?
- How best can we accommodate families whose primary language is not English?
- What organization(s) should organize and pay for conciliation?
- What are other areas of interest in general education for which conciliation might be helpful? For example, discipline, school safety, special education backlash, regular education placement resistance, etc.

In light of the increasingly contentious relationships between families and schools, additional research and development on team conciliation and other conflict resolution models are well justified. Specific attention should be devoted to development of a continuum of options that meet the needs of the full community and ensure that problems are resolved as quickly and completely as possible.

Appendices

Appendix A: Job Descriptions

Team Convener

Functions:

- Convene conciliation teams
- Make all logistical arrangements (time and date, location, accessibility, attendance, equipment)
- Act as contact person for team members and disputants
- Be present to greet and welcome the parties when they arrive
- Contact parties at the time set to see if agreement has been followed
- Re-convene team if needed and desired by the parties

Knowledge:

- Understanding of the conciliation process
- Familiarity with potential conciliators' skills, styles and other personal characteristics

Skills:

- Ability to select among available conciliators to create a balanced and effective team which can assist parties to work constructively together and also provide opportunities for mutual support and learning among the team members
- Ability to manage the details of scheduling the attendance of the parties and team members

Experience:

- Any combination of life and work experience which results in the abilities and knowledge listed above
- Conciliation training and experience as a team conciliator would be helpful

Case Developer

Functions:

- Contact each party
- Educate parties about the conciliation process
  —describe the team and the process
  —explain role of conciliators and parties
  —identify limitations as well as benefits of conciliation
  —model the skills used in conciliation during interactions with the parties
- Ascertain whether problem is appropriate for conciliation
- Determine the appropriate parties to participate in conciliation
- If problem is appropriate for conciliation, encourage and support each party to use the process before proceeding to due process or litigation
- Gain commitment of each party to participate in conciliation
- Make referrals to other resources if needed
- Provide information about the parties and the problem to the team prior to the conciliation session

Knowledge:

- Understanding of the conciliation process
- Understanding of the options which parties have for resolving the problem
- Understanding of the various ways that people respond to conflict
- Awareness of own responses to conflict

Skills:

- Active listening skills
- Ability to communicate effectively with people who are very angry, hostile, belligerent, distrustful, discouraged
- Ability to gain trust of parties
- Ability to determine what the problem is
- Ability to assist parties to evaluate their goals and their options for achieving them to determine whether conciliation is an appropriate process for them

Experience:

- Any combination of life and work experience which results in the abilities and knowledge listed above, especially interviewing and working with people in crisis
- Conciliation training and experience as a team conciliator would be helpful

Appendix B: Direction Service Conciliation Project Satisfaction Survey

Case #_____

Direction Service Conciliation Project Satisfaction Survey

Your answers to these questions will help us improve services offered by this Project. All information which you give us is confidential. Thank you for taking the time to give us your responses.

We are interested in knowing how satisfied you are with the way things were done. Mark your responses to the following questions:

1. How satisfied were you with your involvement in choosing **where** the meeting was held?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

2. How satisfied were you with your involvement in choosing **when** the meeting was held?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

3.How satisfied were you with the **length** of the meeting?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

4. How satisfied were you with the process used to determine **who could attend** the meeting?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

5. How satisfied were you with the **structure** of the meeting?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

Funding for this document was provided by Grant #H02320010 from the Division of Innovation and Development, Office of Special Education and Rehabilitation Services, United States Department of Education.

6. How satisfied were you with the **rules about confidentiality?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

7. How satisfied were you with the **rules of courtesy and expected and acceptable behaviors?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

8. How satisfied were you with any **decisions to postpone issues** for later conciliation or other intervention?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

9. How satisfied were you with the **number of team members?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

10. How satisfied were you with the **team members' ability to manage the process?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

11. How satisfied were you with the **team members' ability to deal with the issues?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

12. How satisfied were you **overall** with the conciliation **process?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

Please give any suggestions you have for improving the process.
If you <u>did not</u> reach any agreement, please go to the next page.

If you did reach an agreement we are interested in knowing how satisfied you are with the agreement. Mark your responses to the following questions:

13. How **clear and understandable** is the agreement?

Completely Unclear	Mostly Unclear	Mostly Unclear	Completely Unclear
1	2	3	4

14. How **fair** is the agreement?

Completely Unfair	Mostly Unfair	Mostly Fair	Completely Fair
1	2	3	4

15. How **practical** is the agreement?

Completely Impractical	Mostly Impractical	Mostly Practical	Completely Practical
1	2	3	4

16. How satisfied are you with the **timetable** for carrying out the agreement?

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

17. To what extent were the agreements reached **acceptable to you?**

Completely Unacceptable	Mostly Unacceptable	Mostly Acceptable	Completely Acceptable
1	2	3	4

18. How sure are you that **you will follow the agreement?**

Completely Unsure	Mostly Unsure	Mostly Sure	Completely Sure
1	2	3	4

19. How sure are you that the other party will follow the agreement?

Completely Unsure	Mostly Unsure	Mostly Sure	Completely Sure
1	2	3	4

We are interested in knowing about your experience of the process. Mark your responses to the following questions:

20. How able were you to say **what was important to you?**

Completely Unable	Mostly Unable	Mostly Able	Completely Able
1	2	3	4

21. How well did the **team members understand what was important to you?**

No Understanding	Little Understanding	Moderate Understanding	Complete Understanding
1	2	3	4

22. How well did the **other party understand what was important to you?**

No Understanding	Little Understanding	Moderate Understanding	Complete Understanding
1	2	3	4

23. How satisfied were you with the **team members' ability to help others understand what was important to you?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

24. To what extent do you have a **better understanding of what was important to the other party?**

No Understanding	Little Understanding	Moderate Understanding	Complete Understanding
1	2	3	4

25. How much do you feel **you contributed** to the resolution of the conflict?

No Contribution	Little Contribution	Moderate Contribution	Large Contribution
1	2	3	4

26. How much do you feel the **other party contributed** to the resolution of the conflict?

No Contribution	Little Contribution	Moderate Contribution	Large Contribution
1	2	3	4

27. How satisfied were you with the **fairness of the team?**

Completely Dissatisfied	Mostly Dissatisfied	Mostly Satisfied	Completely Satisfied
1	2	3	4

28. If another conflict occurs I would **use this process again.**

Disagree Completely	Mostly Disagree	Mostly Agree	Completely Agree
1	2	3	4

29. I would **recommend this process to others.**

No	Probably Not	Probably	Yes
1	2	3	4

30. To what extent have **your issues** in the dispute **been resolved?**

Completely Unresolved	Mostly Unresolved	Mostly Resolved	Completely Resolved
1	2	3	4

31. The conciliation ended the way it did because: (check up to 5 most important factors)

____of my own persistence
____of the skill of the conciliators
____of the persistence of the conciliators
____of good faith efforts by both parties
____communication was improved
____both parties compromised
____I changed my position
____the other party changed their position
____neither party was willing to change their position
____I would not change my position
____the other party would not change their position
____other_____

32. What are your ideas and/or feelings about conciliation after this special education conciliation? (check all that apply)

____Better than I thought
____Easier than I thought
____Different than I thought
____More complicated than I thought
____Worse than I thought
____Harder than I thought
____Similar to what I thought
____Simpler than I thought
____Other_____

Thank you for your time. Please comment on **anything else** about the process or outcome you would like us to know.

Case #_____

Agreement to Participate in Conciliation Session
Agreement to Confidentiality

I agree to attend a conciliation meeting that is scheduled at a time and on a date I agree to. If I have an emergency that will stop me from attending, I agree to contact the person scheduling the conciliation as soon as possible.

I understand that the conciliation process is voluntary and confidential. Voluntary means that anyone can leave the conciliation at any time and not continue the meeting. Confidential means that any information which I share in the conciliation will not be shared with anyone else without my permission. I agree not to share anything anyone else shares in the conciliation without their permission. I understand that the conciliators will refuse to provide any materials or to testify concerning any of our discussions in any hearing or court proceeding.

I understand that the conciliation process is not the same as having a due process hearing or going to court. I understand that the conciliators will not make decisions for me or for anyone else in the conciliation. I agree to work hard to resolve the concerns that I am bringing to conciliation. I also understand that there are no guarantees; even if I work hard, there will be no agreement unless everyone agrees.

I understand that if I want to stop the conciliation or if I am not satisfied at the end of the conciliation, I can still request a due process hearing or any other legal process I wish.

_____

Signature Date

_____

Name (please print)

_____

Case Developer signature

Case # _____

Conciliation Project
Authorization for Release and Exchange of Information

Date _____

TO: _____

_____

_____

This is to authorize the release and exchange of pertinent information and records concerning:

Name: _____ DOB: _____

Parent/Guardian: _____

In order to help resolve conflicts and/or problems relating to delivery of services to my child, I hereby authorize you to share information with Lane County Direction Service. This authorizes the exchange of past, current, and future records and information regarding this client until the expiration date of _____. **I realize that I have a legal right to terminate the conditions of this authorization at any time.**

_____ _____

Signature of Client or Parent/Guardian if minor Date Signed

_____

Name of Client or Parent/Guardian (please print)

_____

Signature of Case Developer

Collection of confidential information regarding Direction Service clients is authorized by Public Law 91-230, 44 U.S.C. 3103.

Conciliation Project Informed Consent

You are invited to take part in a research project about improving the delivery of services to children and young adults with disabilities and helping assure their involvement in appropriate educational programs. The project is striving to resolve individual and systemic problems enabling children with physical, mental, emotional, or learning disabilities and their families to receive the services they need. The purpose of our study is to examine the effectiveness of the Conciliation Project, not to study the families who receive assistance. The research project is part of a study being conducted by Marshall Peter, Anita Engiles, Bonnie Todis, and Susan Baxter Quash-Mah at Direction Service.

You can choose whether you want to be part of the research project. As part of our research, we will ask you to share with us your impressions of the service and how it might be improved. Whether you decide to be a part of the research project or decide, now or in the future, not to participate, you will be provided the assistance and services offered by the project. If you do decide to be part of the project and you start to feel uncomfortable, you can stop at any time.

One reason you may not want to be in the research project is that you might feel uncomfortable talking about personal experiences when you know that information may be shared with other members of the research team. You might be concerned that someone who was not a part of the research team would find out what you said and felt. To make sure this does not happen, we will train everyone in the project not to talk about anything they learn from interviews or file information with anyone outside of the project. Another way we will protect your privacy is by assigning you a number for research purposes, so no one who is not part of the research team will know who said what. You may ask at any time to see the material in your file and to have comments taken out.

It is our strong belief that families will benefit from being involved with the Conciliation Project. However, allowing the project to provide assistance might cause your situation to get worse rather than better. If you have any questions about the project at any time, you can call Marshall at 541-686-5060 (TDD 686-5063).

If you sign below, you are saying that you understand this information, you agree to take part in the research project, you know you can stop at any time, and you have been given a copy of this form.

_____ _____

Signature Date

_____

Name (please print)

_____

Case Developer signature

Case Tracking Form

Student Name_____ Case # _____

Dates

_____/_____/_____ First call received from _____

_____/_____/_____ Case developer assigned _____

_____/_____/_____ Case _____ accepted _____ not accepted

If not accepted, reason _____

Referred elsewhere (specify)

_____

_____/_____/_____ Parent contacted (name) _____

_____/_____/_____ District contacted (name/title) _____

_____/_____/_____ Other contacted (name/title) _____

Agreement to Participate in Conciliation & Confidentiality signed:

_____/_____/_____ By Parent(s)/Guardian(s) (names) _____

_____/_____/_____ By District (name/title) _____

_____/_____/_____ By Other (name/title) _____

_____/_____/_____ Agreement to Participate in Conciliation withdrawn (by whom)_____

_____/_____/_____ Conciliation held _____agreement _____partial _____no agreement

_____/_____/_____ Conciliation Report completed

_____/_____/_____ IEP scheduled to implement results

_____/_____/_____ Tune-up conciliation held

_____/_____/_____ Follow-up questionnaire sent to all participants

_____/_____/_____ Follow-up questionnaire received from Parent(s)/Guardian(s)

_____/_____/_____ Follow-up questionnaire received from District

_____/_____/_____ Follow-up questionnaire received from Other

_____/_____/_____ Exit interview with Parent(s)

_____/_____/_____ Exit interview with School/District

_____/_____/_____ 2-month follow-up sent to Parent(s)/Guardian(s) & District

_____/_____/_____ 2-month follow-up received from Parent(s)/Guardian(s)

_____/_____/_____ 2-month follow-up received from District

_____/_____/_____ Data entered

_____/_____/_____ Case closed

Conciliation In-Take & Interview Form

Date_____ Referred by_____

Case Developer_____ Case #_____

Identifying Information of People Involved

Name of Student _____

Name of Parent(s)/Guardian(s)_____

Address _____

Phone: wk_____ hm_____ best time to call _____

Cultural/Ethnic/Racial background _____

Name of District & School _____

Name & Title of Contact _____

Address _____

Phone: wk_____ hm_____ best time to call _____

Cultural/Ethnic/Racial background _____

Name of Other(s) Involved _____

Name & Title of Contact _____

Address _____

Phone: wk_____ hm_____ best time to call _____

Student Information

Birthdate ____/____/_____ Grade _____ Gender ___ M ___ F

Cultural/Ethnic/Racial background _____

Date of last evaluation _____/_____/_____ IEP in place _____

Disability _____

Spoken language(s)_____ Other means of communication _____

Interpreter Needed _____

Date of rejected IEP _____/_____/_____ Date of conciliation request _____/_____/_____

Hearing request _____ Yes _____ No Date of hearing request _____/_____/_____

Summary from Parent(s).

History:_____

Present situation:_____

What does Parent(s) want?_____

Who else is involved?_____

Does or does not want a conciliation? _____

Best time(s)/day(s) for conciliation. _____

Willing to have one or two observers (who)? _____

Agreement to Participate and Confidentiality signed? _____

One-word description of other party(ies)? _____

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

Summary from District/School.

History:_____

Present situation:_____

What does Parent(s) want?_____

Who else is involved?_____

Does or does not want a conciliation?_____

Best time(s)/day(s) for conciliation. _____

Willing to have one or two observers

(who)?_____

Agreement to Participate and Confidentiality signed? _____

One-word description of other party(ies)?_____

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

ISSUES (Mark all that are mentioned. Identify who mentioned the issue.)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

_____ Eligibility
_____ Identification
_____ Permission to evaluate
_____ Independent education evaluation (IEE)
_____ Type of special education program
_____ Type of related service
_____ Amount of special education program
_____ Amount of related service
_____ Least restrictive environment
_____ Private placement
_____ Transportation
_____ Change of educational level
_____ Extended school year
_____ Vocational education
_____ Cost of program/service
_____ Graduation

_____ Medical
_____ Behavior management
_____ Suspension &/or expulsion
_____ Method of instruction
_____ Availability of personnel
_____ Goals & objectives
_____ Communication problem
_____ Different perceptions of student's needs
_____ Personality clash
_____ Conflict over other issues
_____ Previous conflict over same issues
_____ Personnel problems
_____ Other (specify)

_____

_____

_____

Contact Record

Student Name_____ Case # _____

Use the following numbering system to record the type of contact:

1. arrange meeting time or place
2. arrange meeting format
3. clarify issues
4. discuss feelings
5. to gather missing conciliation information
6. clarify conciliation process
7. clarify forms or paperwork
8. clarify conciliation agreement
9. to gather follow-up information
10. other (explain)

	Date	Name	Role*	Content(specify by #)	Hours
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					

* P = Parent; S = Student; A = Administrator; T = Teacher; O = Other; M = Mediator

Conciliation Report (to be completed by the case developer at the conclusion of the conciliation)

Student Name_____ Case # _____

Case Developer_____Date _____

Results: _____ Agreement _____ Partial agreement _____ No agreement

Date of IEP to implement results _____/_____/_____

Total # of people at conciliation (including conciliators) _____

Conciliators:

_____ _____

_____ _____

_____ _____

(Facilitator, if present)

Other persons attending:

____ Student
____ Mother
____ Father
____ Stepparent(s)
____ Guardian(s)
____ Advocate(s)

____ Spec ed admin (title) _____
____ Reg ed admin (title) _____
____ Spec ed teacher
____ Reg ed teacher
____ Other (give title) _____
_____

Issues (Mark all that were identified. By whom?)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

___ Eligibility
___ Identification
___ Permission to evaluate
___ Independent education evaluation (IEE)
___ Type of special education program
___ Type of related service
___ Amount of special education program
___ Amount of related service
___ Least restrictive environment
___ Private placement
___ Transportation
___ Change of educational level
___ Extended school year
___ Vocational education
___ Cost of program/service
___ Graduation
___ Medical
___ Behavior management
___ Suspension &/or expulsion
___ Method of instruction
___ Availability of personnel
___ Goals & objectives
___ Communication problem
___ Different perceptions of student's needs
___ Personality clash
___ Conflict over other issues
___ Previous conflict over same issues
___ Personnel problems
___ Other (specify)

_____
_____
_____

Debriefing Protocol

What were the issues as perceived by the parent(s)?

_____
_____

What were the issues as perceived by the school?

_____
_____

What were the issues as perceived by other(s)?

_____
_____

What factors led to the dispute?

_____
_____

What factors contributed to reaching/not reaching an agreement?

_____
_____

How likely do you think it is that the agreements will be carried out?

_____
_____

Is the agreement reached one that will solve the problem? For how long?

_____
_____

What did you do that was effective?

_____

_____

What would you do differently?

_____

_____

Conciliator perception of factors that led to dispute (the most significant factors).

_____ Different perceptions of student's needs

_____ Different opinions about appropriate services

_____ Miscommunication

_____ Insufficient communication

_____ Distrust based on conflict over this issue

_____ Distrust based on conflicts over other or previous issues

_____ Poor fit between student and educator/administrator

_____ Poor fit between parent and educator/administrator

_____ Parent's personal issues

_____ Educator's/administrator's personal issues

_____ Insufficient appropriate resources

_____ Intra-team dynamics

_____ Educator - administrator dynamics

Case Closing Summary

Student Name _____ Case # _____

Case Developer _____ Date Closed _____

Time Spent

With parent(s) _____

With district _____

With other(s) (specify) _____ _____

In logistics (scheduling, setting up room, etc.) _____

In conciliation _____ # of sessions _____

Resolution/Termination

_____/_____/_____ People reached resolution on their own.

_____/_____/_____ Staff assisted with resolution ____ by phone ____ after meeting
Total # of contacts ____ by phone ____ in person

_____/_____/_____ Conciliation resolution ____ agreement ____ partial ____ no agreement

_____/_____/_____ Withdrew hearing request

_____/_____/_____ Postponed hearing

_____/_____/_____ Withdrew conciliation request

_____/_____/_____ Requested hearing

Exit Interview

Using responses on the written Participant Satisfaction Questionnaire as a guide for areas to explore, the case developer will interview each participant individually and ask for perceptions on the following.

1. Describe what happened in the conciliation.

2. How did the outcome compare with your expectations?

3. How satisfied are you with the outcome?

4. How likely do you think it is that the agreements reached will be carried out?

5. Is the agreement that was reached one that you think will solve the problem? For how long?

6. Was there anything in the process that made you uncomfortable?

7. Was there anything about the process that you especially liked?

8. How was this process different from other interactions you have had with this particular individual [school personnel/parent]?

9. Did you feel that any cultural differences were adequately addressed in the team composition? In the process? If there was a lack of cultural sensitivity, how did this affect the process? The outcome?

10. Would you participate in this type of process again?

11. One-word description of the other party.

Appendix D: Evaluation

Lane County Direction Service Conciliation Project

Written By Bonnie Todis, PhD. & Anita Engiles, J.D.

Introduction

Lane County Direction Service has recently completed a federally funded project aimed a developing a problem solving intervention that responds to the needs of families who have children with disabilities and the school districts that serve them. Late in the project, team conciliation was identified as a promising intervention. Unfortunately, by the time funding lapsed, only five conciliations had been completed. The evaluation that follows, therefore, while containing important information about the intervention and its benefits, should be judged as preliminary. Further study is recommended.

Because of the small number of cases, and because of the diversity of situations with which they dealt, no numerical assessment of the satisfaction questionnaires was undertaken. Instead, each case is presented here in case study format so that readers can draw their own conclusions about the effectiveness of the intervention for each of the parties. As described in the Evaluation section (pages 24-25), the case studies describe the context, perspectives of each of the parties on the problem situation, composition of the conciliation team, the conciliation process, outcomes, and durability of outcomes. The Summary section discusses themes or patterns that are evident across the five cases and that suggest ways to tailor the conciliation process to the specific needs of parents and educators who might use it to resolve disputes related to special education services.

Case 1

Conciliation Date: May 24, 1995

The Parties:

Amy: Mother of Billy
Matt: Vice Principal at Billy's middle school

Description of problem and pre-intervention context

Billy, an 8th grade middle school student, had a history of disruptive behavior, nonattendance, and perhaps gang affiliation or "wanna be" behavior. He was identified under Section 504 of the Rehabilitation Act for a physical disability related to spina bifida. The incident leading to the conciliation began with Billy threatening a student in the hall. When the vice principal , Matt, questioned him about it, Billy admitted the threat and told Matt he knew people who "could get" him, which Matt perceived as a threat to himself. Matt suspended Billy from attending school for the remaining six weeks of the school year and offered out of-school tutoring one hour per day at the public library.

Parent's perspective

Billy's mother, Amy, felt that the indefinite suspension was unfair and that it continued a history of her son not receiving the services he needed from the school. In addition to his physical disability, she said he had been identified by a counselor as having attention deficit/hyperactivity disorder (ADHD) and he was possibly also severely emotionally disturbed (SED), as a result of abusive treatment by his father. She felt that the suspension denied him access to a free appropriate education. She said his self-esteem had suffered because he felt nobody cared about him, nobody wanted him in school. Billy had previously seen Matt as an ally and Amy had also relied on Matt for support and guidance at times when she herself had been threatened by Billy. The suspension felt like a betrayal to both of them. It was on the basis of that prior mentoring relationship that Amy and Matt agreed to participate in conciliation. She thought the school had a responsibility to address his emotional and academic needs as well as his physical needs. Beyond the incident leading to the suspension, Amy felt that the school had consistently failed to understand Billy's needs and had failed to communicate with her in an effective and timely way about previous incidents and previous requests for services. Amy had compiled a large binder of correspondence with school district officials and telephone logs chronicling her efforts to get the district to respond to Billy's needs.

Educator's perspective

Matt, the vice principal, felt that Billy had "crossed a line" by threatening him. Because of Billy's reported gang affiliation, on a personal level, Matt was afraid for his own safety after the confrontation. Matt responded in his official capacity to the incident by following the district's policy of zero tolerance for violence in the schools. Thus, both personally and professionally, Matt felt that Billy's behavior left him no choice but to remove Billy from the school in consideration for the safety of students and staff, including Matt himself. Matt was comfortable with the action the school had taken. He felt the academic services the district offered following the suspension were adequate to provide Billy with an education if he wanted it, and Billy could return to school at the high school the next fall.

On a more personal level, Matt, who was a former special educator, had previously seen himself as an ally for Billy, and the incident, besides being frightening, had also felt to Matt like a betrayal of that relationship. In addition, Matt felt that Amy was enabling her son's inappropriate behavior by making excuses for behaviors that would not be tolerated from any student, saying that they should be excused because of his history and his disability(s).

Description of team and process

This was the first conciliation. The team consisted of three women and one man. Two of the women were single mothers of sons and the third was a single mother of a daughter. The man was a retired high school teacher selected in part for his experience as an educator and in part for his gentle communication style in consideration of Amy's history of marital abuse and her discomfort in dealing with men. Both parties and all conciliators were Caucasian. The conciliation was scheduled from 8:30 to 11:30 A.M. in a meeting room in a city facility.

The conciliation team felt that the first part of the process, Amy stating the problem from her perspective, took a lot of time, cutting down the time available to Matt to state his perspective and to try to reach an agreement. Amy had brought her large loose-leaf notebook of letters to and from the school about special education and disciplinary matters. Amy wanted to refer to her notebook documenting her attempts to get the school to deal with her son in a way she defined as appropriate. This seemed to interfere with her ability to listen and to reflect. The team had to be quite directive to move the process along and to get Amy to focus on the present rather than the past.

Matt stated at the beginning of the conciliation that he could not address the issue of readmitting the student to school, but that he could address the personal issues between himself and Amy and himself and the student. Matt seemed to want to end his middle school relationship with Amy and especially with Billy on a more positive note and was disappointed that Billy did not attend the conciliation as Matt expected. However, it was determined by project staff that for the field test cases the parties involved would be limited to two parties,

usually a parent and a school representative. The possibility of having Billy rather than Amy meet with Matt was discussed, but Amy did not feel comfortable with this suggestion. She felt his views needed to be represented by an adult.

Amy's goals were to have Billy reinstated at school and to get the school system to provide a program that would address his behavioral and emotional needs. She wanted to address the negative perception she felt the school had of her son. It was very hard for her to accept that Matt was afraid of him, even though she admitted feeling unsafe herself with Billy.

In the portion of the conciliation in which the parties paraphrased and reflected each other's statements, although Amy indicated that she felt Matt "heard" her and that he had understood what she was saying, her affect indicated otherwise. This was later confirmed in the parties' written evaluations in which they reported that no understanding of each others' positions was achieved. The conciliation team felt they should have been more assertive in helping Amy and Matt reach an understanding of each other's perspectives. However, in this first conciliation, the team members were put off by the strong defensive positions of both parties and the closed dynamic between them that seemed to offer no opportunity for more open communication.

Outcomes

Since Amy's goal in the conciliation was to have Billy reinstated for the remainder of the school year, and since Matt could not address that goal, it was impossible for the parties to reach agreement. Likewise, Matt's goal to reestablish his relationship with Billy could not be met through this process because Billy was not present. The alternative goal of improving the relationship between Amy and Matt was not achieved because the team was not able, in the time allotted, to establish communication between the parties which permitted them to "hear" each other's perspectives and to help them determine if there was some other mutually desirable goal for Billy that they could try to reach. In responses to the satisfaction questionnaire, neither party felt that greater understanding of each other's perspectives was achieved or that an agreement was reached. Both expressed satisfaction with the process except that Matt was disappointed that the student was not present and he felt that the team did not keep them focused enough. Perhaps the parties' ratings of satisfaction with the process in spite of these difficulties reflect a sense of satisfaction for having tried publicly, one last time, to resolve some very difficult issues.

On June 6, the two case developers, who had been present at the conciliation, met with Billy. He said he would not have been angry that Matt confronted him about his behavior, but the things he confronted him about were not true and were based on rumor. He felt that Matt wasn't fair and had been trying to get him expelled from school all year. Billy tried to

explain that he was not threatening Matt when he said that he knew people who would "get him." He was simply trying to make the point that Matt had a reputation with students for being unfair, and thus he maintained that his statement was more a sharing of information or a prediction than a threat. At that time, Billy was unwilling to meet with Matt because the school year had ended and his goal of getting back to school and having his yearbook signed by his friends was no longer possible.

Durability of outcomes:

After the conciliation both Billy and Amy were very discouraged about Billy's chances of success the following year. Amy and Billy had heard that Matt had contacted the high school and given the principal Billy's behavioral history. This reinforced their sense that school officials would not give Billy a chance to succeed.

Amy was contacted about one year after the conciliation. When Billy entered high school he was in large classes with no academic support. He and Amy felt that there was no tolerance for Billy's disability and that he was set up to fail. Billy went to visit his father in another city at Christmas break. Soon after returning to his mother's house he was arrested, and was in jail for 6-8 months. He hoped to get into a Job Corps program after his release.

Case 2

Conciliation Date: October 17, 1995

The parties:

Sarah: Mother of Lily
Karol: Director of Special Education, ABC School District

Description of problem and context

Lily was a 15-year-old girl who had been medically diagnosed as bi-polar. She also had an obsessive/ compulsive disorder, a history of eating disorders, had been in drug treatment, and had attempted suicide in seventh grade. In ninth grade, she had stopped attending high school in her home district because of feelings of social rejection and harassment. The home district arranged for a transfer to a high school in a neighboring school district.

In the new high school Lily got good grades even though she did not attend because of discomfort with her peers. Sarah felt that this indicated that the school was not paying attention to Lily's education, or that the curriculum was not challenging enough. Lily wanted to transfer to the local community college for high school completion, and Sarah wanted the district to pay the tuition. The district indicated that Lily's tuition could not be paid under Section 504 of the Rehabilitation Act under which she was currently receiving accommodations. In order to consider the requested placement, the district's position was that they needed to find Lily eligible under IDEA and was considering an eligibility label of Seriously Emotionally Disturbed (SED). Sarah resisted the SED label because she felt it was potentially stigmatizing and could "follow" her daughter.

Parent's perspective

Sarah had had a long, frustrating struggle trying to get the school district to recognize and respond to Lily's mental health needs. From her perspective, these needs were literally life or death issues as Lily was sometimes suicidal. Transferring Lily to a program in a neighboring district had seemed to Sarah to be a helpful accommodation on the district's part. However, shortly before the conciliation Sarah had learned that the move had not been a transfer but that the two districts had exchanged students and Lily was now a student of the neighboring district. This felt to Sarah as if her home district had tried to get rid of Lily and the difficulties she presented them.

Sarah worked as an instructional assistant in an SED elementary classroom in another district. She felt she was aware of the negative impact the SED eligibility label could have not only during a student's school years but into adulthood. She also felt that the SED label did not fit Lily because she was not like the students in the classroom where Sarah worked.

Educator's perspective

Karol, the district director of special education, was new to the district and to her position..She felt that Sarah was obstructing the district's efforts to determine whether the SED label was appropriate for Lily by not providing access to the information the district needed about Lily's history and condition. Karol was willing to undertake the conciliation, although she thought it was premature. She wanted to wait until the district tried to "do more" to persuade Sarah that the SED designation was appropriate and that it does would not necessarily have negative connotations. She felt she should exhaust the district's usual arsenal of options before trying the new option of conciliation.

Description of Team and Process

The conciliation team consisted of four women and one man. The man was Latino, one woman was Asian American, one was Native American, and two were Caucasian. Both parties in the conciliation were Caucasian. Team members included parents, both single and married. One of the women (single, no children), was the case developer who had interviewed both parties extensively. Both parties felt that the case developer's familiarity with the issues of the case helped her move the process along to address both parties' main concerns.

The conciliation was held at the Educational Service District building from 9 to 11 A.M. During the conciliation, Sarah explained to Karol why she felt the SED label was neither appropriate nor desirable for Lily. Karol explained why assessment and documentation to determine an eligibility label were necessary in order for the district to provide funding for Lily's placement at the community college.

The process required only two hours due in part to Karol's naturally fast pace and her determination to reach a mutually satisfactory agreement. The process was also aided by the agreement of the parties on their mutual goal: to find a way for the district to provide tuition to the community college for Lily through a funding mechanism that was acceptable to both parties. Karol was also quick to recognize and validate the importance of the emotional component in Sarah's perspective—her frustration with her past history with the district and her deep concern for her daughter's future.

The parties were extremely respectful of each other and neither side expressed anger going into conciliation. There was very little history between the parties, since it was Karol's first year in her position as special education director.

Some of the team members were relatively inexperienced in the area of special education and asked a number of questions about parent and student rights, district obligations, and eligibility criteria. This served the function of making information available to Sarah that she had not previously had regarding school policies, procedures, and options. Team members also questioned Sarah helping Karol get an understanding of the family dynamics and Sarah's history seeking medical and educational assistance for Lily.

Outcomes

The parties reached several agreements including exploring the possibility of placement under Section 504, clarifying funding questions, and Sarah providing additional information on Lily's disability, which she was previously unwilling to do. Karol agreed to meet with Lily, which was important to Sarah who saw this as an indication that the district was willing to pay attention to her daughter's specific needs.

Ultimately, the outcome of the agreements reached in the conciliation was that the parties determined that Other Health Impaired (OHI) was an appropriate eligibility designation for Lily. They agreed to write an IEP for Lily's program at the community college and to review it after 3 months. The district felt that Lily might need more supervision, and frequent review of her IEP would allow them to monitor her progress and provide additional support if needed.

In the follow-up evaluation, Sarah stated that her perspective was listened to for the first time during the conciliation, and she felt she was successful in getting the outcome she wanted. She felt that a couple of the female conciliators were "on her side" but that the male team member was hostile toward her and favored the administrator. None of the team members nor the other party commented on any bias in team members' reactions.

Karol was also very positive in her assessment of the conciliation. She said she had changed her mind about the timing of the conciliation, that it " took place at just the right time."

The conciliation team indicated that they felt they worked well together, and in fact better than they expected considering they had not worked together before and it was the first conciliation for this project for all of them.

Durability of outcomes:

Lily enrolled at community college and did well the first quarter, but became depressed second quarter. When Sarah was contacted six months after the conciliation, she reported that Lily had attempted suicide three times and was in a residential treatment program for which the school district was paying half of the cost.

Case 3

Conciliation Date: January 31, 1996

The Parties:
Lynda: Mother of Tommy
Ray: Principal at Tommy's elementary school

Description of problem and context

Tommy was a 9-year-old boy with a history of disruptive school behavior. He was identified as having a learning disability and ADHD. Medication was prescribed to manage behaviors related to ADHD, but Lynda declined to use it. School officials had proposed that Tommy's eligibility classification be changed to SED or SED be added. During the last school year his behavior had become more violent and had caused increasing concern for the safety of students and teachers. Lynda felt that the way these incidents were handled was sometimes not fair to Tommy, in that consequences for Tommy were likely to be more severe (i.e., suspension from school) than those for other students involved in the incident (i.e., missing a recess).

The incident that led to the conciliation occurred on a day when Tommy had a substitute teacher and there was a substitute principal in the building so the principal could attend an out-of-town meeting. Tommy had difficulty with changes of this kind and his behavior began to escalate. He removed himself from the classroom to try to regain control. When the substitute bent down to try to talk with Tommy and calm him, Tommy pushed her saying, "Get out of my face," and she fell. The substitute principal called Tommy's actions assault and Tommy was again suspended. Tommy was left in a room near the office because the school could not reach Lynda, who was taking a class. From the room Tommy made several calls, leaving two messages on the answering machine at his home. He also called 911 twice saying he needed help. Finally Tommy left school and started to walk home. The school reported his leaving school to the police. An officer intercepted Tommy before he got home and took him to the police station. When the officer on duty at the station had to respond to a call and leave the station, he left Tommy in a holding cell.

Lynda contacted a lawyer who referred her to a community mediation program which in turn referred her to the Direction Service Conciliation Project.

Parent's Perspective

Lynda felt that the school's responses to Tommy's behavioral outbursts were unfair and failed to take into consideration his perspective as a confused, frightened boy who had trouble managing his emotions. She felt that a more creative approach to learning, geared to Tommy's highly active style, would help him both learn better and manage his behavior more successfully. She also wanted Tommy to feel safe at school, which his phone calls and other actions indicated was not the case. Related to Lynda's concerns about the school's view of Tommy was the fact that she had been excommunicated from a church in which Ray, the school principal, was an active leader. She was concerned that her history with the church caused Ray to view Tommy's actions more negatively.

Educator's perspective

Ray expressed his concern about keeping the school safe for all staff and students. He also wanted to determine if there was a more appropriate program for Tommy, and whether his present school was the right placement for him. Ray felt that the school worked hard to maintain the structure Tommy needed to manage his behavior, but that unavoidable changes inevitably threatened the delicate balance. He was concerned that the following year the school would "lose Tommy" when, as a fifth grader, Tommy's routine would be less structured and he would change teachers and classrooms throughout the day. Ray also needed clarification on what to do if Lynda could not be reached when there was a crisis at school. Ray expressed frustration that schools do not have more effective ways of working with students like Tommy.

Description of Team and Process

The case developer noted that the case development process that occurred prior to the conciliation seemed to reduce tension between the parties. Ray was aware that Lynda had contacted an attorney and was uncertain what action she planned to take. Shifting from an adversarial to a conciliatory model made it possible for Ray to shift from a defensive stance to a more cooperative position. Once he was assured that Lynda wanted to work with him to find better ways to work with Tommy, he apologized for the incident and assumed a more trusting attitude toward Lynda and toward the conciliation process.

The conciliation meeting was held between 2:00 and 5:30 P.M. in a meeting room at a community college. The team consisted of two women and one man. Parties and conciliators were all Caucasian. It was felt that a smaller team was appropriate because Lynda intended to raise the highly personal issue of the excommunication from the church in their small community. Ray asked that there be a principal on the conciliation team if possible. This was not possible, but the man on the team had been a teacher and school administrator. The man had also served on a previous conciliation team. One of the women had been raised in a community heavily influenced by the church in question. She had also been the victim of

child abuse, as had Tommy when his father lived with the family. The other woman was the case developer for this case.

The issue of Ray's possible involvement in Lynda's excommunication was dealt with first. Lynda asked Ray directly if he had been involved, if he knew about it, and how he felt about it. He said he had not been a part of the process and in fact barely knew about it. He added that he did not care whether Lynda was a member of that or any other church, although he did believe that church involvement was beneficial to children.

Team members agreed that the parties did a good job of communicating, paraphrasing, and reflecting the feelings behind each other's statements without much prompting from the team. One team member noted that Lynda sometimes got into a mode of relating stories from Tommy's history of behavior problems and needed to be redirected to keep the process moving. Team members and parties agreed that the case developer's presence on the team was positive. Because she was familiar with the priorities of both parties, she was able to encourage moving the process along until the primary concerns of the participants were addressed.

Both parties expressed their concerns. Lynda wanted Tommy to be viewed more positively and that he feel safe. She also admitted feeling guilty for not being more involved in Tommy's schooling, as she had been for her three older children.

Ray talked about the strain Tommy's behavior put on the school and the increasing pressure from the district to ensure everyone's safety at school. He expressed concern about Tommy's academic development as well as his behavior. Ray expressed his concern that public school might not be the best place for Tommy, and Lynda said she needed more information about options.

Outcomes

The parties agreed that the school had made errors in responding to Tommy's behavior and also that Tommy can be manipulative and challenging. They agreed to take a closer look at his programming in the upcoming IEP meeting to determine what assistance he needed in academics as well as behavior management. They made a plan for the IEP meeting, including a schedule for testing prior to that meeting. They also discussed how to present a united home-school front in managing Tommy's behaviors. They agreed to set up better lines of communication and discussed consequences for specific offenses. If school officials determined that Tommy could not stay at school, Lynda gave her consent for the school to take Tommy home and leave him there, even if she were not at home.

Durability of outcome

Seven months later, Lynda reported to project staff that Tommy was in a residential (day) treatment center for children with SED, paid for by the school district, and that he seemed engaged. Prior to this placement, she felt that the elementary school had tried to institute positive approaches to managing Tommy's behavior, but were unable to follow through with incentives and consequences.

Case 4

Conciliation Date: June 3, 1996

The Parties:

Angela: Mother of Todd
Mitch: Todd's home room and block teacher at middle school

Description of problem and context

Todd was a 12-year-old 7th grader who was diagnosed with ADHD in second grade. During the past year he had been getting one or two behavior referrals per week for kicking, shoving, and intimidating peers. He was also failing academically. He was not disruptive in class but did not work. His classroom demeanor was described as passive aggressive. He had refused to go to detention and had not taken home notices of school actions or even report cards. This lack of follow-through on lesser consequences had resulted in suspensions from school.

The precipitating incident leading to conciliation occurred when Todd ran into a classroom before the bell and was headed for an area where fishing lines had been set up for model racing cars. The teacher grabbed Todd to prevent him from disrupting the race car setup and left a mark where he grabbed him. The teacher involved was a former teacher of Angela about whom she already had extremely negative feelings. Following the incident the school arranged a meeting between Angela and the teacher and administrators—four men. Angela said she felt intimidated and "ganged up on." However, the outcome of this meeting was that the teacher who had grabbed Todd apologized and agreed not to touch Todd again.

Parent perspective

Although the precipitating incident had been resolved, Angela wanted a conciliation come up with a positive school plan for Todd. She was concerned that he was beginning to avoid school by feigning illness and feared that he would eventually drop out. Angela felt that Todd was increasingly encountering situations in which he needed to stand up for himself. She recognized that Todd was not good at asserting or defending himself, and Angela maintained that he should not have to. She saw it as her role to enlist school support on his behalf and to work with the school to see Todd more positively. She acknowledged that there would not be time to implement the plan before the end of the school year, but hoped the process would result in a plan to make Todd's next school year better. To accomplish this, Angela wanted to meet with an ally in the school, not the teacher with whom Todd had had the conflict. She requested that Todd's social studies/language arts teacher participate in the conciliation.

Educator perspective

Mitch was concerned about Todd's behavioral referrals, his refusal to accept consequences for his behaviors, and his increasing academic difficulty. However, Mitch felt that Todd's behavior was not as bad as that of other students in his classes, and he was somewhat reluctant to devote a number of hours to a conciliation for a student about whom he had no immediate concerns. Mitch's perspective prior to the conciliation was that Angela had not been particularly conscientious in her role of monitoring Todd's school progress until the incident. Todd left his report card in his locker for weeks and Angela did not contact the school about it. Angela did not return phone calls from school about Todd's behavior and grades. Given this perspective, Mitch was somewhat reluctant to engage in the conciliation process and talk about how the school could be more responsive to Todd's needs.

Description of Team and Process

The team consisted of three women and two men. One of the men and two of the women had previously served on a conciliation for this project. One woman was Native American, one man was Asian American, the remaining conciliators and the parties were Caucasian. One of the women was a single parent. The conciliation was held between 3:30 and 5:30 P.M. at a retirement center.

The team agreed that they worked well together, moving the process along appropriately, although the men on the team felt there was too much deference paid by the novice team members to the more experienced team members. Another initial difficulty arose because there was no conflict between the parties and team members needed to adjust their approach and terminology to fit the situation. The two inexperienced team members found this awkward at first.

Mitch seemed resentful and closed during the first part of the conciliation. Gradually questions by the team members to Angela revealed that Angela had worked for several years to make school personnel aware of Todd's needs. She had called meetings to share information with teachers, but had become discouraged because no one attended the last one she tried to organize. Discouraged and working at a new job, Angela had been less visible at school during the current school year, so Mitch was unaware of her previous efforts. Mitch seemed to be more open and receptive as he gained an appreciation for Angela's concerns and commitment.

One of the team members and an observer noted that questions addressed to Mitch by team members during the conciliation revealed another "information crack"—information about services that would be potentially helpful to Todd that Angela had not previously heard about. During the conciliation Angela revealed her feeling that her son was "drowning" in a system that was not helping him succeed at school. She also expressed a need for information on the referral and discipline process and a desire for a more positive approach to Todd's problems.

Mitch brought up his concern about Todd's academic problems and tied Todd's academic difficulties to his increasing behavioral outbursts: It is Mitch's view that Todd is a perfectionist who because of his learning disabilities can no longer produce acceptable work. He expresses his frustration in behavioral outbursts. Then when confronted with consequences he does not want to accept, he gets violent.

Outcomes

The parties discussed ways to help Todd be successful and feel good about himself. These included a possible placement change so he could get resource room help, a discussion of the district's new discipline policy which would eliminate in-school suspension, making all teachers more aware of ADHD, and an anger management class. Angela and Mitch determined together that Todd's behavior deteriorated when he was in unsupervised settings. Mitch offered to invite Todd to spend his lunch time with him in the classroom, an arrangement he made available to several other students.

Angela did not trust that the problem had been solved, although she felt she had a better understanding of the other party's perspective.

Mitch thought communication improved and that the outcome of the conciliation was positive.

Durability of outcome

Has not yet been assessed.

Case 5
Conciliation Date: June 20, 1996

The Parties

Kathy: Mother of Jason
Henry: Teacher in Jason's high school

Description of Problem and Context

Jason was a 16-year-old boy who had been re-identified as eligible for special education services at the beginning of the 1995-1996 school year, having tested at the fifth grade level in basic skills at the beginning of his 11th grade year. Jason had been on an IEP from 5th through 8th grade, and his mother Kathy was unclear about why he had not been on an IEP for the first two years of high school. The precipitating incident leading to conciliation was a three-day suspension for theft. Students in Jason's engineering class took apart go-carts they had made with donated parts. Jason and another boy claimed not to understand that the donated parts were the property of the school, and put the batteries from the go carts in their cars. Henry, their teacher, claimed that because of the class activities to thank the businesses donating the parts and class discussions about the parts, the students understood that the parts were not their's to take and their actions therefore constituted theft. Case development revealed some other incidents between Jason and Henry that indicated lack of trust and respect in their relationship. Kathy was referred to the Conciliation Project when she called Direction Service seeking a referral to an attorney.

Parent perspective

Kathy's immediate concern was the presence of a theft on Jason's record. In addition she felt there had been a history of lack of commitment on the part of the district to providing the help Jason needed. She felt that his special education support simply helped him get through classes without necessarily learning anything. Furthermore, Kathy had some lingering resentments toward the district regarding a previous behavior issue. She also represented Jason's desire to take the second part of the course from Henry next year, and his concern about whether he could get a required teacher recommendation. Although Kathy's immediate goal in the conciliation was the removal of the theft from Jason's record, there was a history of dissatisfaction with Jason's school experience founded on Kathy's belief that the school district had over the years failed to provide Jason the support he needed. She saw herself as an advocate for Jason, who was not capable of advocating on his own behalf.

Educator perspective

Henry expressed his frustration with Jason, after a year of giving him many second chances to complete work and "begging" him to turn in assignments. Henry regarded Jason

as a student who put forth little effort, fooled around in class, and deliberately broke equipment. Henry also commented on the fact that Jason continued to enjoy privileges in spite of his poor grades and the theft charge: Jason continued to drive his own car to school and he used a lap top computer to compensate for his writing disability. Henry saw Jason as a somewhat coddled child who was irresponsible as a result of not having been held accountable for his actions. Henry said he was not sure he was willing to continue putting out the extra energy required to keep Jason in his class the following year. He said, however, that he would not block Jason's entry to the class. If Jason completed the requirements for the current class, he would be admitted to the class the following year, like any other qualified student.

Description of team and process

The conciliation team consisted of two women and one man, all of whom had participated in previous conciliations for the project. One woman was Native American, the other woman and the man were Caucasian. Both of the parties were Caucasian. One of the women was a case developer for the project. The session was held from 2 to 5:30 P.M. in a meeting room at the Educational Service District building.

In the conciliation meeting Kathy expressed her frustration that her son's educational needs had not been met and her feeling that it was now too late for him to get the education he deserved. She described how his embarrassment about his poor reading and writing skills affected his classroom behavior. She also talked about his concern that he would not be able to take the second part of the engineering class next year. Henry outlined what Jason could do to meet the criteria for successful completion of the class. He said he had never before been accused of unfairness, and never held grudges.

The team expressed frustration that the decision makers who could resolve the issue of whether the theft would remain on Jason's record were not present. However, the vice principal who could have made such a decision was not fully aware of the facts of the case and did not have a personal involvement and was therefore not an appropriate party to the conciliation. The team also felt that their time was too limited and that time could have been used more effectively if they had blocked out time for each step in the process. One team member said that the process would have benefited if the team had asked Kathy to be more specific in her remarks. Kathy persisted on focusing on how the process of dealing with the incident was wrong, rather than on resolving the issue of whether he could take the class the following year. The team was frustrated that the time was used up discussing historical wrongs rather than on seeking a resolution.

Outcomes

Neither party felt that the issues had been resolved.

Durability of outcome

Has not yet been assessed.

Summary

Although only five cases have been addressed by the conciliation process, several patterns emerge across the five cases that have implications for future conciliations and that should be investigated further.

1. **Role of history**

   In four cases (all except Case 2) a prior history of difficulties between the participating parties or between the parent and the district was a factor that the parent felt must be addressed in the conciliation. In Cases 1, 3, and 5, the parents' desire to address perceived historical wrongs concentrated time and energy in the first part of the conciliation process, cutting down on the time available to address solutions.

   This suggests that team members should be made aware of historical issues and work to help parties acknowledge the past and then focus on improving communication and seeking solutions.

2. **Parent communication styles**

   In four cases (all except Case 2), team members identified some aspect of the parent's communication style that was challenging to deal with. This issue may be related to the previous one; that parents who feel the need to air old grievances may get involved in long narratives about prior events. However, other remarks by team members indicate that the communication issues also related to lack of experience in communicating in the ways required by this process. One parent had trouble paraphrasing, another was not specific enough, others seemed not to be able to focus on a single issue. Team members in all four cases felt that, in the best interests of the process, they should have done more to direct the communication and to address these communication issues when they arose.

   It is possible that cases that reach conciliation are likely to be those in which a parent's difficulty in communicating his or her concerns is an important factor in the parties' lack of success in resolving the issues at a more informal level. While educators may also need guidance in following the communication process used in conciliation, they are more likely than parents to have been exposed to the skills of active listening, paraphrasing, perspective taking, etc. It would be helpful for team members to anticipate common communication styles exhibited by parents and to practice guiding parties toward more productive communication patterns.

3. Appropriate parties not present

In both cases in which no agreement was reached (Cases 1 and 5), one or both of the parties and/or the team members noted that one reason no resolution was possible was that key individuals were not present. In Case 1, the vice principal's goal was to resolve issues directly with the student, who did not attend the session. In Case 5, no administrator with authority to expunge the theft charge from the student record was present.

4. Adolescent issues

Four of the 5 cases (all except Case 3) involved students who were adolescents. This may be an indication of the complexity of issues facing secondary students, parents, and educators and may also be related to the cumulative effect of several years of school related problems, as suggested in point 1, above. This pattern suggests that it would be appropriate for conciliators to be familiar with the culture of secondary schools and with the issues involved in parenting an adolescent. Conciliation programs may also need to address the question of whether an adolescent should be present or even a key participant in a conciliation addressing his or her own educational issues.

5. Single mother

In four cases (all except Case 5) the parent participant was a single mother. None of the parents referred to any substantial social support available to them through extended families or ex-spouses. Given the high rate of divorce in families with children with special needs conciliation team can expect to see this pattern and should therefore attempt to address it in training. Team composition should reflect an understanding of the challenges of single parenthood.

6. Parental goal: for educators to see child more positively

All five mothers expressed as one goal of the conciliation a desire that educators see their children in a more positive way. This pattern appears to indicate strongly that there is a parental, and probably a student, perception that students with behavioral and academic challenges have negative interactions with educators and negative school experiences in general. Some of the parents expressed a sense of hopelessness, a feeling that nothing positive could be accomplished if school personnel would not change their views of the student and give him or her a chance to be successful.

A related theme in all five cases was the mothers' conviction that they must advocate on behalf of their children with special needs. In case development and in some of the

A total of 19 cases received some level of case development as part of the Project. The fact that only five cases went to conciliation and that many others resolved during the case development phase serves to indicate that the case development process is itself an effective intervention.

9. The role of questioning by team members

In several of the cases, questions by team members to the parties helped reveal policies, procedures, and practices of schools that parents were previously unaware of. Likewise, probing of parents by team members helped make school personnel aware of the families' histories of attempts to deal with their children's special needs and of the realities of their daily lives with children who have disabilities. In some cases, team members who asked questions regarding special education were genuinely naive as to policies and practices or the particular family issues of the case. In other cases team members were more knowledgeable or had been briefed by case developers about the issues but asked the questions to allow the process to help participants reveal their concerns and the pressures they faced to each other.

Based on these five cases, it does not appear that a firm basis in special education policy and thorough knowledge of local school district practices are necessarily required for effective participation on a conciliation team. In fact, a degree of naivete about such matters may be beneficial in that it helps avoid the mistaken assumption that all parties and all team members enter the process with the same knowledge and the same perspective.

10. Team composition

The composition of the conciliation teams reflected efforts to include team members who had shared some of the experiences and perspectives of the parties. In most cases, the parties did not comment on specific attributes of individual team members that they found supportive, but in most cases both parties felt that all team members were fair and impartial and understood their concerns.

A frequent comment from team members across cases was that the team should have been more directive in moving the process along and in guiding the communication between the parties. It is interesting to note that most of the team members who participated in these five conciliations could be described as warm, supportive, and process-oriented rather than directive and goal-oriented. Notably, of the five cases, team member comments indicate that Case 2 was conducted not efficiently.

conciliation meetings, parents made comments suggesting that it was not safe or appropriate for their children to advocate on their own behalf or to be expected to assert their views with school officials without the assistance of a parent or some other caring adult. These frequent comments suggest an "us against them" perspective on the part of parents and students vis a vis the schools. Awareness of this perspective may be valuable to trainers of conciliation team members and to case developers.

7. Behavioral or social issues

All five cases involved behavioral or social issues as the primary concern of both parties. In all cases these issues were the basis of the precipitating event leading to conciliation. This is not surprising, given schools' need to protect students and staff from harm and to maintain an environment conducive to learning. However, this pattern may also indicate that schools and the educators in them do not currently have the expertise and resources to address the behavior and social issues presented by many students with special needs. This pattern is probably related to the preceding one, in that it is difficult for many educators to take the perspective of a student who is acting out and to try to view the behavior as an attempt to communicate frustration or a request for help, and even more difficult to know what to do about stopping the behavior and addressing its underlying causes.

None of the conciliations resulted in the students' problem behaviors being treated effectively in the school they were attending when the conciliation took place. If this pattern of referral to conciliation for behavioral issues and lack of success in treating them at the school level holds in future conciliations, it should send a powerful message to education and special education about the capacity of schools to address these very difficult issues.

8. The role of case development

In at least one case (Case 3), case development procedures helped diffuse highly volatile issues and allowed the parties to take a less confrontational stance in the conciliation session. Case development also uncovered underlying issues that might have appeared extraneous to the incident that precipitated the conciliation process, but were in fact important to bring to light during the session. In a sixth case which involved Karol, the administrator from Case 2, case development appears to have sharpened the parent's focus on the issues to the extent that the parties were able to work out an agreement independently, without going to conciliation.

Conciliation team members felt that the administrator's fast-pace, task-oriented style was a factor that contributed to quick identification of issues and a focus on resolution. In composing conciliation teams and recruiting trainees, balancing for communication style, as well as for ethnicity, marital and parental status, gender, and other factors, may be beneficial to the conciliation process and to its outcomes.

Long-term effects

Too few cases are available, and it is too soon after these five conciliations, to do a valid assessment of changes in well-being or changes in ability to resolve conflicts resulting from participation in the conciliation process. However, it should be noted that Karol, the special education director who participated in Case 2 was part of case development for a second case several months later. Because of scheduling difficulties, the conciliation meeting was postponed several times. When both the parent and Karol found themselves at school with time available, they decided to discuss the issues that had brought them to seek conciliation. They were able to resolve the issues and come up with a plan to meet the student's needs. In a letter to the project at the end of the school year, Karol indicated that participating in the process gave her an appreciation of the need to understand parents' underlying issues and make parents aware of pressures on educators that may not have previously been apparent. It is possible that Karol's participation in the conciliation helped resolve the later case.

Conclusions

The themes discussed above have implications for tailoring future training of conciliators, composing teams, and conducting conciliations. These implications have been addressed in the discussion of the individual themes.

Taken together, the themes suggest some tentative conclusions about the limitations of conciliation and about its potential role in the resolution of special education conflicts.

1. The powerful effect of a history of frustration and conflict between parent and school and the complexity of dealing with adolescent social and academic issues suggest that conciliation may usefully be employed earlier in the student's school career. Interestingly, in some cases that were referred to the conciliation project but did not proceed to conciliation, school officials told case developers that they wanted to "exhaust other options" before going as a last resort to conciliation. In Case 2, Karol, the special education director, made a similar comment, but following the conciliation said that the conciliation had occurred at exactly the right time, before a history of failure and animosity was established between Karol and the student's mother. In each of these cases, the parent detailed their frustrating experiences as the schools attempted

these cases, the parent detailed their frustrating experiences as the schools attempted to "exhaust their options," at the expense, the parents thought, of their children's school success and self-esteem. These five cases strongly suggest that schools should regard conciliation not as an outside option that indicates that their own efforts have failed. Rather conciliation should be adopted by schools as one of the tools in their arsenal of approaches to resolving conflict. Further, there is a need to demonstrate to schools that conciliation is most beneficial when employed before a history of animosity and distrust develops.

2. These five cases show that careful composition of teams can maximize the comfort of participants in a situation that involves a degree of personal risk and trust. Both parties can feel that team members respect and understand their positions and "are on their side." Persistence and deep-seated issues related to personal experiences such as spousal or child abuse and societal issues such as racism or sexism often play an important role in disputes between families and schools. Conciliation cannot and does not attempt to change values and beliefs. Team members can help parties recognize their effects and address any personal issues which have interfered with the family-school partnership. If this is successful, these cases show that parties can then work together and focus their collective resources on the needs of the student.

The five cases summarized here suggest that conciliation can be an important and effective approach to resolving difficult special education issues. Although it can be effective in addressing long-standing tensions between families and schools, it may be even more effective in preventing such tensions from developing. This evaluation of the conciliation model argues for more study of the process and its effects and for increasing awareness and availability of the conciliation process to schools and parents.